



## Greenwood County Sheriff's Office Greenwood, South Carolina

<b>DIRECTIVE TYPE</b> General Order	<b>EFFECTIVE DATE</b> 06/30/2011	<b>NUMBER</b> 800
<b>SUBJECT</b> Collection and Preservation of Evidence		
<b>SCLEA STANDARD</b> 20.1,20.2,20.3,20.4(A-E),20.5,20.6,(A-E)	<b>AMENDS/SUPERSEDES</b> All Others	
<b>DISTRIBUTION</b> All Personnel	<b>RE-EVALUATION DATE</b> Annual	<b>NO. PAGES</b> 22

### Purpose:

To outline the responsibilities of the field deputy and methods to safeguard, collect, Preserve and process evidence.

To ensure and unbroken chain of evidence for courtroom presentation.

To specify procedures for submitting evidence to a crime/forensic laboratory for analysis.

### Policy:

The investigation of crime and the prosecution of offenders requires that information be obtained through the application of scientific knowledge and methods. In order to effectively use laboratory support services, physical evidence must be identified, preserved properly and transmitted to the laboratory. The Greenwood County Sheriff's Office will diligently follow forensic methods of obtaining and protecting this evidence, in order to carry out the functions of the department.

### Procedures:

**Availability of Qualified Personnel for Evidence Processing:** Responses to calls for service where a crime has been committed that may involve physical evidence requires that such evidence to be collected promptly and submitted to the laboratory without delay.

- The Crime Scene Technician assigned to the Investigations Division is on a 24-hour-on –call basis to process evidence at major crime scenes. The patrol

supervisor may call for the services of the Crime Scene Technician whenever, in the supervisor's opinion, the case is unusually serious or complex (such as murder, armed robbery, arson investigation, large commercial burglaries, etc.) or when processing the scene would be considerably lengthy.

- The Investigations Division also maintains one investigator on a 24-hour on-call basis to respond to major crime scenes. The on-duty patrol supervisor may utilize the on-call investigator to process a major crime scene at those times when a Crime Scene Technician and/or Alternate Crime Scene Technician is unavailable due to vacation, illness, training, etc.
- In the event the Crime Scene Technician, Alternate Crime Scene Technician, or an investigator from GCSO is not available or it is not a major crime scene the on-duty shift supervisor and patrol deputies have a departmental print kit and camera issued to them for their use. Additionally, the South Carolina Law Enforcement Division (SLED) has forensic technicians available to respond for major crime scene processing which is beyond the capability of this department.

**Responsibility of Reporting Deputy:** It is the responsibility of the first deputy at the scene of the crime to secure that scene from all nonessential personnel. The scene of a crime must be secured as soon as possible to prevent the loss of evidence. The deputy securing the scene should initiate a crime scene log, listing the time, name, and reason for all personnel who enter the crime scene. All personnel at the scene will not disturb, touch or handle physical evidence, unless a danger exists that the evidence will be lost or destroyed prior to processing by the Crime Scene Technician, Investigator, Patrol Deputy, or other Evidence Technicians. Should such a situation arise, it becomes the responsibility of the deputy to mark, seal, tag, and preserve the evidence.

- The progression of crime scene processing when responding to crime scene or incident, includes: photographing; collecting, preserving, transporting, and submitting all evidence into the property room.
- Whenever the scene is processed by the Crime Scene Technician, Patrol Deputy, or Investigator, all evidence obtained will be marked, sealed, tagged, and placed in the property room or temporary property locker by that deputy or investigator.
- The South Carolina Law Enforcement Division (SLED) Laboratory Request Form will be completed for all evidence that requires comparison or analysis. This request will be submitted with the evidence along with a copy of the incident report.
- The procedures used of the collection and preservation of all evidence will be in conjunction with the procedures established by this department and the South

- Carolina Law Enforcement Division (SLED) Forensic Crime Lab.

**Inventory Procedures for Collected Evidence:** All physical evidence collected from a crime scene by the Crime Scene Technician, Patrol Deputy, or Investigator shall be inventoried on an evidence/property report. A notation that evidence was collected will be made on the incident report. The inventory shall contain the following information:

- Description of Item (include make, model, and serial number, if any);
- Source (from whom or location)
- Name of deputy collecting the evidence.

**Crime Scene Reporting:** An accurate record of events that transpire at the scene of a crime, in connection with the investigation, is required at the time of trial. It is the responsibility of the Crime Scene Technician, Investigator, or Patrol Deputy who processes the scene to submit detailed reports describing the sequence of events associated with a scene investigation as related to evidence, on either the incident report and/or the supplemental report and as required in the narrative section of the South Carolina Law Enforcement Division (SLED) Forensic Crime Lab Report. The evidence/property report will be used to inventory all evidence that is collected.

**Incident Report:** In addition to inventory requirements, the incident report shall contain the following:

- Date and time of arrival at the scene;
- Location of the crime;
- Name of the victim(s), if known;
- Name of Suspect(s) if known;
- Supplemental narrative of the Crime Scene Technician's, Investigator's, or Patrol Deputy's action at the scene;
- Report case number

**Request for Assistance:** If a specialist other than a Crime Scene Technician or Investigator is called to the scene (i.e., SLED Crime Scene Technician, etc.) the date and time of the request and the requesting deputy's name will be added to the incident report. All information obtained by the specialist will be documented with the investigating deputy's incident report. If the specialist prepares and sends his/her own report, a copy of it shall be forwarded to the property custodian and/or the investigating deputy to be placed in the case file.

**Collection of Blood and/or Urine for DUI Investigations:** In any arrest or investigation for driving under the influence (DUI) of alcohol and/or drugs requiring the collection of blood or urine, the following procedures will be utilized:

- The blood specimen must be placed in the vacuum tubes provided by the medical

facility. Blood only be withdrawn for the purposes of determining the alcoholic content of to conduct a drug screen by a physician, registered nurse, qualified technician or other qualified medical personnel in a licensed medical facility. An alcohol wipe must not be used to prep the skin (deputy(s) should ensure that the nurse and/or doctor know).

- Urine specimens will be collected in plastic containers provided by the medical facility. Some urine collections may require the viewing of a suspect's genitals; this action will be witnessed only by qualified medical personnel or a deputy of the same sex as the suspect. Urine may only be collected for the purpose of determining the alcoholic content or to conduct a drug screen by a physician, registered nurse, qualified technician or other qualified medical personnel in a licensed medical facility;
- Blood and/or urine specimen containers must be sealed with a tape or label that displays the following information:

Name of suspect;

Date and time of collection;

Name of persons collection and/or sealing the sample.

- The South Carolina Law Enforcement Division (SLED) Blood/Urine Analysis Report and this Department's evidence/property report form must be completed by the deputy.
- All samples will be placed in the temporary property storage refrigerator.
- The blood and/or urine will be transported later, by the property custodian, to the South Carolina Law Enforcement Division (SLED) laboratory for testing and /or drug screening.

**Collection of Blood and/or Other Body Fluids at Major Crime Scenes:** Blood, urine, semen, and other body fluids will be collected at a crime scene where they are found, by a Crime Scene Technician, Patrol Deputies, or Investigators, who have been trained in collection procedures established by South Carolina Law Enforcement Division (SLED) Forensics Crime Lab.

- Latex gloves and other blood borne pathogens personal protective equipment will be used as appropriate during collection.
- All specimens collected in liquid form will be maintained in the property refrigerator.
- All specimens collected will be marked, sealed and tagged as appropriate to identify and preserve them for analysis.

**Sexual Assault/Abuse Kits:** The Sexual Assault/Abuse Kit will be used during the investigation of sexual assaults and sexual abuse cases.

- A physician will conduct the sexual assault/abuse protocol of the victim using the kit to obtain necessary evidence and samples.
- The investigating deputy or investigator will take custody of the kit and place it in the temporary storage refrigerator. The deputy will complete the GCSO evidence submittal report and the SLED Analysis Report.

**Latent Prints:** A deputy must concentrate his/her efforts on physical evidence that may connect a suspect to a crime. Of these, none is more damaging to alibis and denials than fingerprints. Fingerprints are positive, specific, and establish beyond a reasonable doubt the presence of a suspect at the scene of a crime or of his/her handling or touching a weapon or other object related to a crime. The following general guidelines will be followed when processing a crime scene for latent prints:

- The point of entry should be thoroughly searched to locate latent prints. If entry is gained through a window, the glass pane, window casing, window sill, and window frame should be carefully examined. Broken glass or small fragments may contain identifiable fingerprint patterns.
- Latent impressions developed with fingerprint powder may be photographed on the original object. After being photographed, they may be lifted. The lifted print should have the following information listed:

Place of occurrence;  
Type of offense and date of offense;  
Date and time of processed;  
Processed by (print name) and initials;  
Location processed.

- When processing for latent prints, consideration must be made for the size of the item to be dusted, the type of surface, and potential for destruction if moved. Evidentiary items such as guns, ammunition, narcotic packaging, leather items, and other non-porous items should be collected, packaged, and submitted to the evidence/property room for fuming in the departmental Air Clean 600 Filtration System (a cyanoacrylate ester (CA) vacuum fuming system) if at all possible. The Searchie Air Clean Filtration System is innovative tool that utilizes cyanoacrylate, commonly known as Superglue, in the development of latent prints. The Air Clean 600 Filtration System /vacuum fuming system has a large vacuum chamber to hold the evidence, an internal circulation pump to equally disperse the fumes, and an internal fuming bar heater which vaporizes the CA liquid. This system has substantially reduced fingerprint overdevelopment, and surfaces can be processed regardless of evidence size or number of exhibits. The Searchie Air Clean 600 Filtration System is particularly effective on evidence that has a soot or oil film on

the surface. It reveals latent prints in such a fashion as to polymerize them with a

fine coating or cyanoacrylate, which allows the prints to become more detailed and defined as compared to the traditional method of Superglue fuming. Once the fingerprints are developed (polymerized), they can be photographed and/or dusted with powder and lifted for ease in the subsequent submission to the South Carolina Law Enforcement Division (SLED) for comparison.

- All latent prints will be sent to South Carolina Law Enforcement Division (SLED), Federal Bureau of Investigations (FBI), Greenville Law Enforcement Center, Aiken Public Safety, etc. to be evaluated by a certified latent examiner. A SLED lab request will accompany all completed latent prints going to SLED forensic lab.
- When requesting a comparison of latent prints with fingerprints of a known suspect, the requesting deputy will include inked finger and palm prints and /or the FBI number of fingerprint classification number of the suspect.

**DNA Evidence Collection:** Every deputy, from the first responding patrol deputy to the experienced investigator and the crime scene technician, should be aware of important issues involved in the identification, collection, transportation, and storage of DNA evidence. Because extremely small samples of DNA can be used as evidence, greater attention to contamination issues is necessary. Evidence can be contaminated when DNA from another source gets mixed with DNA relevant to the case. This can happen when someone sneezes or coughs over the evidence or touches his or her mouth, nose, or other parts of their face and then touches the area of the evidence containing the DNA.

- When transporting and storing DNA evidence, keep the evidence dry and at room temperature. Once the evidence has been secured in paper bags or paper envelopes, it must be sealed, labeled and transported in a way that ensures proper identification of where it was found and proper chain of custody. Never place DNA evidence in plastic bags because moisture retained in the bags can be damaging to the DNA. Direct sunlight and hot conditions also may be harmful to DNA. Avoid keeping evidence in places that may get hot, such as rooms or police cruiser without air conditioning.
- To avoid contamination of evidence that may contain DNA, always take the following precautions:

Wear gloves and change them before and after obtaining a sample;  
Use disposable instruments or clean them thoroughly before and after handling each sample;  
Avoid touching the area of evidence where you believe DNA may exist;  
Avoid talking, sneezing, scratching and coughing over evidence;

Avoid touching your face, nose and mouth when collecting and packing evidence;

Air-dry evidence thoroughly before packaging (not in direct sunlight)

Put evidence into new paper bags or paper envelopes; do not use plastic bags, or staples.

The South Carolina Law Enforcement Division (SLED) Laboratory Forensic Services Request, SLED Laboratory Evidence Inventory Sheet, and this Department's evidence/property report must be completed by the deputy and must accompany the evidence when it is submitted to the lab.

- As with fingerprints, the effective use of DNA may require the collection and analysis of "elimination samples." These samples are necessary to determine whether the evidence came from the suspect or from someone else.
- One investigative tool available to law enforcement is CODIS (Combined DNA Index System). CODIS, is an electronic database of DNA profiles that can identify suspects, is similar to the AFIS database. All states have implemented a DNA index of individuals convicted of certain crimes. Therefore, law enforcement officers have the ability to identify possible suspects when no prior suspect existed. The CODIS system is available through the FBI laboratory.
- The Crime Scene Technician and other members of the Investigations Division are trained in the collection of DNA evidence from State Law Enforcement Division (SLED), an institute that meets the national standards on DNA collection. At a minimum this training will meet the basic collecting and packing of DNA for submission to an accredited laboratory.

#### **Other Items Collected as Evidence:**

**Firearms:** If at all possible, firearms must be unloaded and the ammunition packaged separately. A diagram/sketch may be made to indicate positions where rounds were loaded in the cylinders of revolvers. A notation in the report will be made regarding how automatic and semi-automatic weapons were loaded.

- Weapons submitted to the property room will be placed in a temporary property locker at times when the property custodian is not available.
- All weapons will be checked for stolen by the submitting deputy. The NCIC printout should be attached to the evidence/property report.

**Dangerous Drugs:** Dangerous drugs (including, but not limited to narcotics, hallucinogens, and narcotic implements) submitted to the property room will be weighed, and counted if appropriate, by the submitting deputy. Each separate bag, envelope, or other container of the material will be marked with the weight, the count (if the drug is identifiable and separate units), the deputy's name and date.

- Pills or capsules should be counted, to determine the amount.
- All other drugs submitted to the property room as evidence will be sealed in a plastic

bag or other container and separately labeled/ tagged.

- All drugs submitted to the property room will be secured in a temporary property locker by the submitting deputy when a property custodian is unavailable.

**Money:** All monies submitted will be counted by the submitting deputy and initialed by a witness who is verifying the count.

- All monies will be submitted in a sealed package and labeled by the submitting deputy. The attached property label must identify the amount of money, who submitted it, and the date.
- Money submitted to the property room will be placed in a temporary property locker at times when the property custodian is unavailable. If there is an unusually large amount of money involved, the property custodian will be called in to place the money in the safe.

**Explosives or Hazardous Materials:** Volatile fluid of evidential value will be temporarily stored in the property room. A maximum of one gallon may be stored. The evidence/property report will indicate the total amount of fluid taken, the amount retained for evidence, and the amount disposed of.

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- The total volume of fluid will be photographed prior to disposal.
- No explosives, dangerous chemicals, nuclear material or ammunition greater than .50 caliber will be submitted to the property room. The supervisor will contact the South Carolina Law Enforcement Division (SLED), the Environmental Protection Agency (EPA), Fort Jackson Explosive Ordinance Disposal Team, or other specialized agency when such material is recovered. All such items are to be photographed and disposed of according to procedures established by the specialized agency handling the material. Handling of the items will be accomplished by the specialized agency requested at the scene.

Other hazardous materials such as chemicals, biological specimens, nuclear material, or other unsafe matter will be photographed and disposed of according to disposal specialists such as the South Carolina Law Enforcement Division (SLED), the Environmental Protection Agency (EPA), Department of Health and Environmental Control (DHEC), or other specialized agency as appropriate.

**Qualified Personnel, Equipment, and Supplies:** The Greenwood County Sheriff's Office has Crime Scene Technicians and an Alternate Crime Scene Technician specifically trained to process crime scenes for the recovery of latent fingerprints, photography, crime scene sketches, collection and preservation of physical evidence. In addition, our investigators and many of our patrol deputies are also trained to process crime scenes and conduct accident investigations. The crime scene technician shall maintain equipment and supplies that are



readily available for use in processing crime scenes. The Greenwood County Sheriff's Office shall maintain fully equipped print kits for use by patrol deputies and investigators for processing all types of crime scenes in an effective and timely manner. There are supplies maintained in each print kit for the recovery of latent fingerprints. Patrol deputies also have been issued a 35mm digital camera, and assorted evidence bags for the collection and preservation of physical evidence. More specialized equipment for the collection and preservation of physical evidence is available from the crime scene technicians and/or in the Investigations Division Office (such as dental stone, gunshot residue (GSR) kit, and ninhydrin etc.).

The Greenwood County Sheriff's Office has acquired specialized equipment, consisting of the Cyvac II (a cyanoacrylate ester (CA) vacuum fuming system) and an ISA/SPEX mini-crimescope (alternate light source) for use by the crime scene technician in the processing of evidence.

Additional specialized equipment such as ladders, portable generators and lights are available from the Greenwood County Sheriff's Office and/or Greenwood County Emergency Preparedness. Specialized photography and portable super glue fuming equipment is available upon request through the South Carolina Law Enforcement Division (SLED) Forensic Crime Lab.

Investigator's and patrol vehicles will carry print kits in the trunk, as indicated above, for ease of use.

**Documenting Negative Results:** If a deputy decides that no evidence can be collected or photographs taken at a scene, the reasons should be outlined in the incident report by the reporting deputy.

**Submission of Evidence to the Property Room & Crime Lab:** All evidence is to be submitted to the property room as soon as practical to preserve the chain of custody. Evidence will be secured in the property room until it is transferred to the South Carolina Law Enforcement Division (SLED) Forensics Laboratory. If at all possible, perishable evidence will be transferred to SLED by the property custodian on a weekly basis.

Perishable evidence is defined as fresh blood, blood stained objects, other physiological stains and tissue, and biological materials. When collecting perishable evidence from a crime scene, the following procedures will be used:

- **Fresh blood (wet specimen):** Fresh (wet) blood will be collected using saline, placed in a sterile glass or plastic vial, capped or stoppered, sealed, marked, tagged and refrigerated in the property refrigerator.
- **Dry Blood:** Whenever possible the entire object that has the blood stain on it should be submitted. When the blood stain is located on a wall, floor, or other object that cannot be submitted, one of the following procedures should be utilized:

- ✓ When a large amount of stained material is present, the easiest technique is to scrape several large flakes into a small box or other container;
- ✓ When the stain is small; the fiber technique should be used. Cut 4 to 6 gauze fibers 1/2" long from a gauze pad. Moisten the fibers with saline. Swab the blood stains with the fibers, concentrating the stain on the fibers as much as possible. The fibers should be air dried before packaging, sealing, marking, and tagging the container. The dried fiber samples do not require refrigeration.

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- **Blood Stained Materials:** These items will be air dried prior to packaging. After thoroughly air drying, the item will be packaged in brown wrapping paper or paper bags, marked, sealed and tagged. Multiple items must be packaged individually to avoid contamination.
- **Other Stains, Tissues or Biological Material:** Other types of stains can be collected using the same procedures as previously described for wet and dry blood.
- **Body tissue:** Should be collected and placed in a sterile glass bottle in saline solution, capped or stoppered, sealed, marked, tagged and refrigerated in the property room refrigerator.
- **Other biological material:** if not air dried, must be refrigerated after being marked, sealed and tagged.

- **Perishable evidence:** Collected at a crime scene and secured in the property room may not be submitted to the South Carolina Law Enforcement Division (SLED) Forensic Crime Lab until a suspect is developed or standards of comparison obtained. In the event perishable evidence is delayed in submission to the lab for any reason, it will be documented on the lab report and/or evidence technician report.

**Procedures for Processing Stolen Vehicles:** Vehicles that are reported stolen from this County will generally be examined by a crime scene technician, investigator, or patrol deputy upon recovery. This examination may be conducted by the jurisdiction where the vehicle is recovered if it is outside Greenwood County. Greenwood County Sheriff's Office personnel may process another jurisdiction's stolen vehicle recovered in this county if time and manpower are available.

- The recovered vehicle should be processed for evidence at the recovery scene. If this is not practical, the recovered vehicle shall be towed and impounded at the County Shop or other appropriate location. If the recovered vehicle requires restoration of serial numbers or has altered or missing serial numbers, it will be impounded. Additional requests for evidence technician work and laboratory examination by the South Carolina Law Enforcement Division (SLED) is the responsibility of the investigating deputy.
- Any evidence collected from the recovered vehicle will be marked, sealed, tagged/labeled and placed in the property room to maintain a chain of custody. The deputy processing the recovered vehicle shall document his actions and the collected evidence on a supplemental report if necessary. The deputy shall complete an evidence/property report for any evidence that is collected.
- The recovering deputy will complete a recovered stolen property incident report and Supplemental report on any vehicle recovered in this county that was reported stolen by another jurisdiction. Disposition of the recovered vehicle will be handled in accordance with procedures and approval of the reporting jurisdiction. Recovered vehicles that were reported stolen in this county require only a supplemental report, which will be added to the original report.
- It shall be the responsibility of the deputy recovering the stolen vehicle to immediately notify the Greenwood Communications Center to cancel the NCIC entry.
- The recovering deputy will be responsible for retrieving the printout of the NCIC cancellation from Greenwood Communications Center and forwarding it to our Department's Terminal Agency Coordinator (TAC) to be filed in our Records Section.

**Seizure and Transportation of Computer Hardware/Equipment:** Although many aspects of a search and seizure of computer equipment are similar to those applicable to any case, computer equipment and other electronic devices present certain special problems that require that precautions be taken during the course of the seizure and the subsequent transportation of the seized items to another location. Therefore, it's important for deputies to remember that if

these problems are not addressed properly and the necessary precautions observed, the value of the seized items as evidence may completely destroyed.

In order to minimize the risks, there are several specific concerns deputies must address. First and foremost, the deputy(s) involved must protect the seized equipment from physical damage. Although this is a concern with any type of item seized, electronic equipment is particularly prone to damage in the transportation process. Second, any information storage devices (such as hard drives, floppy disks, tapes, or CDs) must be handled properly to avoid loss of the data contained on or in the devices. In addition, care must be taken in disassembling the system for transport, since the system may not work later in the Greenwood County Sheriff's Office if deputies did not use sufficient care. Absent any exigent circumstances, deputies involved in the seizure shall adhere to the following steps:

- Prepare a detailed plan: Before the search begins, the supervisor in charge of the search should prepare a detailed plan for the execution of the search, and should brief the entire search team on the steps to take.
- Collect and preserve traditional types of evidence: At the scene of the search, traditional types of evidence (such as fingerprints) should be collected and preserved before any equipment is disturbed by the officers conducting the search.
- Protect the equipment from damage or loss of data during the move: Computer equipment can easily be damaged by improper handling. Before being moved, deputies must first ensure that the hard disk's read/write heads are secured. Computer systems secure or "park" the heads automatically whenever the device is properly logged off and shutdown. However, it's important for deputies to remember that computers can be pre-programmed to destroy data if proper procedures are not followed. Deputies unskilled in computer operation should not try to shut down the computer or restart equipment that is already shutdown.

Deputies must also remember that loss of data can occur even without physical damage to the components. For example, computer data can easily be destroyed by strong magnetic fields. Thus, when deputies are working near computer equipment, care must be taken to avoid using any device that generates magnetic or electromagnetic energy, and the equipment should not be moved into proximity to any device that generates such energy. Even static electricity buildup can render some components, such as floppy diskettes and CDs, unreadable.

Temperature, humidity, dust, and smoke may also affect computer equipment and magnetic media, such as floppy diskettes and CDs. Computer-related evidence, therefore, should not be transported or stored in such locations as the back seat or trunk of a car unless special precautions are taken.

- Deputies who are not properly trained shall not attempt to examine or manipulate the data contained in the devices being seized. The recovery of data within a computer or peripheral is a highly technical matter, and only those deputies who are properly trained should attempt to do this. Unskilled attempts to review data may lead to loss

of the data, or may create a defect in the chain of custody of that data.

▪Record the various mechanical connections between items of equipment before disassembly is begun. Before disconnecting any system of computer components, the connections should be photographed or videotaped, and a wiring schematic prepared. This serves two purposes, since it both documents the condition of the equipment at the time of seizure for evidentiary purposes, and also permits reconnection of the system in the police station, laboratory, or courtroom. Cables should be tagged or labeled to show their connection points, and vacant computer ports should be labeled as such.

**Searching and Seizing For Electronic Information:** Despite the problems involved, searches and seizures of computer hardware are not conceptually difficult, because the items sought are tangible, and therefore subject in general to familiar search and seizure principles. By contrast, searches for data are far more complex, first of all, because they involve intangible materials, and secondly because without technical expertise, it is very difficult to determine what to seize, where to seize it, and how to seize it. Although courts have held that intangibles such as information may be seized, significant legal and operational problems may arise when it is information rather than hardware that is being sought. Information searches can be divided into two distinct types:

- (1) Searches where the information being sought is on a computer located at the site that is being searched; and
- (2) Searches where the information sought is not stored at the search location, but can be accessed through use of the computer equipment located on the premises being searched.

The latter situation is typically encountered when the computer is part of a network. This often poses significant legal problems, since it may be necessary to obtain a warrant both for the location where the computer equipment is located and for the location where the data is actually stored, a location that may be in another jurisdiction, or even in another country. Deputies who encounter these situations should contact the Solicitor's Office for guidance.

The same legal bases upon which searches and seizures of hardware are justified also apply to searches for information, (i.e., the information may be an instrumentality of a crime, fruits of a crime, evidence of a crime, or contraband).

Instrumentality of a crime: An instrumentality of a crime is any item that provides the means of committing an offense. Information that has been, is being, or will be used to enable the perpetrator to commit a crime may therefore be considered an instrumentality. Thus, for example, any program or data that is employed in the commission of a crime, such as; access codes or other information that enables a hacker to break into a governmental or corporate data bank for criminal purposes, would fall into this category.

**Fruits of a crime.** The theft of computer data by hackers or other criminals makes the stolen information the fruits of the crime. In some instances, the stolen information, in addition to being a fruit of the crime, may also be the instrumentality with which a further crime is committed, (i.e., stolen access codes, mentioned in the preceding subsection, may be both the fruit of one crime and the instrumentalities by which another crime is to be committed).

**Evidence of a crime:** Very often, computer information is targeted for seizure because it provides evidence of the commission of crimes. Examples of this type of information are items such as customer lists kept by narcotics traffickers and telephone records of hackers who break into computer networks. However, any computer record that reveals the plans or operations of a criminal enterprise may fall into this general category. In many instances, the dividing line between information that is an instrumentality of a crime and information that is evidence of a crime may be indistinct; however, if the information falls into either category, it may be seized. Information that identifies participants in the crime or connects a suspect to a location (such as a home or office) that was involved in the commission of the crime may be considered to fall into this classification, and there is considerable precedent for its seizure.

**Contraband:** As with hardware, illegally obtained information may sometimes be considered contraband, since the information is, under those circumstances, stolen property. In addition, the possession of certain information, for example, access codes and passwords for government computer networks, may also be considered to be the possession of contraband, since the very fact of possession of such information by unauthorized persons may be unlawful.

**Where Electronically Stored Information May be Stored:** Of course, a computer's hard disk is not the only location where electronically stored data may be found, therefore, it is not the only item that should be searched for or seized. There are many types of computer storage devices, including the following:

Hard drives;

Floppy disks - (including not only the common 3.5-inch diskettes, but also several types of high-capacity disks using specialized drives that may be built into the computer or attached as peripherals);

Backup tapes;

CD-ROM discs;

WORM drives;

Laser printers;

Print buffer;

Print spoolers;

Printer ribbons;  
Monitors;  
Keyboards;  
Hard cards;

Scanners;  
Fax machines.

In addition to primary data storage, backup copies of information often exist. Deputies conducting the search should be aware that these may or may not be stored adjacent to the computer equipment. Such backup devices and media should be sought out, seized, and checked for evidentiary value.

**NOTE:** When the computer at the search location is linked with other computers, the problem of data retrieval is considerably complicated, since the data desired may not be stored at the search site at all, being held instead, in other equipment located at another place. Indeed, in some instances the premises for which the warrant is issued may contain nothing more than a computer terminal, which stores no information itself, but which links the search site to other locations where the data is stored. File servers, electronic mail, and electronic bulletin board systems make remote retrieval of information common today, and as previously noted, a "search" of these remote locations may involve complications due to the necessity of obtaining a warrant for the search of the remote site, which may be in another city, county, state, or nation.

**Electronically Stored Data and Hard Copy:** Information that is stored on a computer is often printed out in hard-copy form. When a search and seizure of computer records is being conducted, the search should include the seizure of any hard-copy printouts of the electronically stored information, since this is tangible evidence that the owners or operators of the computer system have access to the electronically stored information, and are in fact, using it. When hard-copy printouts are found at the search location, they will be particularly important evidence if, as often happens, the owners or operators of the computer or system claim that they had no knowledge that the incriminating data was electronically stored in, or capable of access by, that system. In addition, the printouts may reveal earlier versions of electronically stored records that have since been modified. Also, the printouts may link the crime to a particular printer. This might be critical, where it could be shown through the seized printouts, that a ransom note or other incriminating document had been composed and printed out at that location. Finally, the deputies conducting the search should be alert for handwritten notes or data inscribed in computer manuals in the vicinity of the computer equipment, or even in some instances posted prominently on or beside the computer itself. Such notes may provide passwords or clues to the files or directories on the computer that are relevant to the particular crime under investigation.

**Information not Identified in the Warrant:** As with any other type of search, search for electronic information may produce evidence whose presence was not expected, and that was therefore not identified in the warrant. In many such instances, the unexpected information may nevertheless be seized if it appears that the warrant was otherwise valid and that the presence of the additional information could not be accurately predicted. However, the officer preparing

the warrant must remember that if the warrant is too vague as to what is to be searched for and seized, the warrant itself may be held invalid, and the entire search rendered unlawful.

**Privileged Information:** One of the problems encountered in the seizure of electronically stored data is the dilemma posed by the presence on the computer of information that is considered "privileged" - or confidential, under applicable state or federal law. For example, if the information relates to the relationship between an attorney and client, doctor and patient, or clergy and parishioner, it is often privileged under state law. In addition, federal law protects the "work product" of journalists and others. Seizure of such information may lead to civil or even criminal charges being brought against those conducting the seizure. This presents a difficult problem, since the existence of a privilege may not be apparent until the data has been seized and examined. Nevertheless, efforts should be made to avoid violations of informational privileges. At a minimum, when the presence of any privileged information is suspected or anticipated, those conducting the search, and any experts employed to assist in the discovery and evaluation of the information seized, should be instructed not to examine any files containing information regarding uninvolved third parties beyond the minimum necessary to determine the privileged nature of the information and the lack of connection to the crime.

**The Need for Expert Assistance:** The search for and seizure of computer equipment and information necessitate a significant degree of expertise in the field of computers and electronic data storage. The deputies conducting the search should be well-trained in such matters, and expert assistance is available through the South Carolina Law Enforcement Division (SLED) to ensure the proper preservation, recovery, and evaluation of the items and data seized. Although there are many similarities between computer searches and other, more traditional types of searches, and the same basic constitutional and other legal principles apply, the computer and electronic data storage fields are highly complex. Computer searches present legal and operational problems that are unfamiliar to most police officers, and require technical knowledge that is not possessed by most deputies. Therefore, anytime it is pre-determined that there will be a need for the search and seizure of computer equipment, deputies should notify the special operations section of the South Carolina Law Enforcement Division (SLED), other law enforcement agency with a computer crime unit, or obtain expert assistance from a private source to perform, or assist in, the recovery and evaluation of the items and information seized.

**Collection of Known Standards for Comparison:** When the following types of physical evidence or trace evidence are collected from a crime scene, a known standard sample must be collected for comparison by the South Carolina Law Enforcement Division (SLED) Forensic Crime Lab. The location from which the samples are taken is critical for the lab and should be documented on the lab report and/or the evidence/property report. All standards for comparison will be collected by deputies and/or medical personnel in accordance with procedures established by the South Carolina Law Enforcement Division (SLED) Forensic Crime Lab and these procedures.

- ✓ Blood
- ✓ Hair



- ✓ Fibers
- ✓ Paint
- ✓ Glass
- ✓ Wood
- ✓ Metal
- ✓ Soil
- ✓ Tool marks
- ✓ Footwear

**Crime Scene Sketches:** Generally, the crime scene technician or other processor of the scene may make rough sketches and measurements, including sufficient additional information so a final drawing, to scale, can be made at a later time. These rough sketches are evidence and should be kept by the processor. When crime scene sketches are drawn pursuant to the collection and preservation of evidence, they will contain the following information:

- ✓ Dimensions;
- ✓ Relation of the crime scene to other buildings, geographical features, or roads;
- ✓ Address, floor or room number as appropriate;
- ✓ Location of significant features of the scene, including the victim;
- ✓ Date and time of preparation;
- ✓ Name(s) of person(s) preparing the sketch;
- ✓ Direction of north;
- ✓ Location of items of physical evidence recovered.

**Crime Scene Photography:** Photography of major crime scenes and other incidents of major importance should be handled by a crime scene technician or investigator. The patrol supervisor may call for the services of the on-call crime scene technician or investigator whenever, in the supervisor's opinion, the case is unusually serious or complex (such as murder, armed robbery, arson investigations, large commercial burglaries, etc.), or when processing the scene would be considerably lengthy. If utilized, the crime scene technician, investigator will photograph all aspects of the crime scene, or incident using the digital camera and/or 35mm photography equipment supplied by the GCSO.

**Digital Photos:** Digital photographs are to be taken in situations requiring immediate access to the photographs. If at all possible, they should not be utilized as the sole source of photographic evidence of any major crime scenes, and other incidents of major importance. The use of Digital photography should be limited to the following:

- ✓ Photographs necessary for immediate identification of a suspect;
- ✓ Photographs of a suspect when no arrest is imminent;
- ✓ Photographs of property when immediate identification is required;
- ✓ Photographs of all traffic accidents involving County vehicles;
- ✓ Photographs of minor assaults and traffic accidents.

**Photographing to Demonstrate Scale:** When the exact size of an item being photographed is required, a scale will be placed next to the item to add dimension and aid in development for

"life-size" prints. A second photograph of the item will be taken without the scale, using the same camera settings, as well as position and lighting, in the event the court desires photographs of evidence in which nothing has been introduced into the field of view. If the evidence to be photographed is a fixed object, the dimension of that object should be taken to provide a scale of reference.

**Developing Photographs from Crime Scenes:** Upon completion of the photography and scene processing, the crime scene technician, investigator, or patrol deputies will upload photographs into the departmental computers. A notation that photographs were taken at the scene will be made on the incident report. The report shall state who took the photographs as well as the date and time the photos were taken. Photographs will be examined by the investigating deputies and submitted for filing with the case file.

Digital photographs should be imported into the Records Management Software (RMS) and attached to the incident screen.

**Videotaping:** Videotaping of a crime scene may be done in addition to still photography. When the scene of an incident is videotaped, a notation that videotaping was done will be made in the incident report. The report shall state who videotaped the scene and the time and date the videotape was made. An evidence tag/label will be completed and attached to the videotape. The videotape will be submitted to the property room.

**Requests for Photographic Evidence:** Requests from complainants, legal firms, insurance companies, or outside agencies for copies of photographs or videotapes taken by deputies shall be directed to a Division Commander.

**Property Submission:** All evidence is to be submitted to the property room as soon as practical to preserve the chain of custody. Evidence will be secured in the property room until it is transferred to the South Carolina Law Enforcement Division (SLED) Forensics Laboratory. Physical evidence collected by investigating deputies may be marked for identification purposes. The mark shall consist of the deputy's initials (or any unique mark chosen) and the date scribed or marked with indelible pen or inscribing tool in a location that will not mutilate or destroy the value of the item.

✓ The deputy will seal the evidence in a proper container with a property tag or label securely attached to the container;

✓ All requested information on the face of the property tag or label will be completed by the submitting deputy;

✓ Deputies should not submit property or evidence on one property tag in such a manner that creates an excessive or unmanageable quantity. For example, three televisions should not be submitted on one property tag.

✓ Items of evidence will be submitted and packaged only with like items; i.e., money with money, weapons with weapons, etc.

**Documentation to Accompany Evidence Submitted to the Laboratory:** Whenever submitted evidence requires further processing by the South Carolina Law Enforcement Division (SLED) Forensics Lab, the SLED Laboratory Forensic Services Request and SLED Laboratory Evidence Inventory Sheet will be used, and must accompany the evidence when it is submitted to the lab. The forms will be completed by the submitting deputy and indicate the type of requested processing. The deputy making the request will ensure that all applicable sections are filled out completely, as follows:

- ✓ Both forms must be completed;
- ✓ The incident report which explains the reason the evidence was collected must accompany the forms. This enables the lab criminologist to better evaluate the case;
- ✓ List the items submitted on the inventory sheet;
- ✓ Examinations requested will be written on the form beside the list of submitted property.

NOTE: It is the responsibility of the investigating deputy to review lab reports on cases they are assigned. If additional lab services are necessary, or new additional evidence becomes available, the investigating officer must submit a new SLED Laboratory Forensic Services Request.

**Maintaining the Chain of Custody:** No item is to be released from the property room until it is properly transferred using the chain of custody section of the evidence/property report. The chain of custody section on the evidence/property report must be completed each time the custody of any evidence is transferred. This chain of custody serves as the receipt to ensure the maintenance of the chain of custody of the evidence. The chain of custody section contains the following information:

- ✓ Date/Time of the transfer;
- ✓ Receiving person's name;
- ✓ Releasing person's name;
- ✓ Purpose of change of custody;
- ✓ Item number(s) of evidence being transferred.

**Transfer to Crime Lab:** The Crime Scene Technician/Evidence/Property Custodian is responsible for conveying evidence from the property room to the South Carolina Law Enforcement Division (SLED) Crime Lab. However, the alternate property custodian or other deputy may convey evidence, as long as the chain of custody is maintained. If at all possible, transfers to the lab will be made on a weekly basis. The responsibility for requesting laboratory examinations rests with the investigating deputy.

- The Crime Scene Technician/Evidence/Property Custodian will complete the chain of custody section of the evidence/property report for the items to be transferred to the lab.

- The Crime Scene Technician/Evidence/Property Custodian will convey the items, evidence/property report, and the South Carolina Law Enforcement Division (SLED) lab

analysis request report to the Crime Lab. The Crime Scene Technician/Evidence/Property Custodian will obtain the lab number assigned by SLED and enter this number on the evidence/property report.

- The Crime Scene Technician/Evidence/Property Custodian will then return the evidence/property report to the property room file and record the information regarding the transfer of evidence to the crime lab. This information will be placed in a file in the property room that includes the following information:
  - ✓ Log number;
  - ✓ Case number;
  - ✓ Item number;
  - ✓ Name of investigating deputy;
  - ✓ Date transferred to the lab;
  - ✓ Lab number;
  - ✓ Remarks.
- When items are returned to the property room, the Crime Scene Technician/Evidence/Property Custodian will sign the evidence in on the chain of custody section of the evidence/property report, indicating the property was returned. The Crime Scene Technician/Evidence/Property Custodian will return the evidence to its assigned storage location, update the file and notify the investigating officer of the lab results.

**Transfer to Court:** Any time a deputy takes evidence to court, he will sign for the release of evidence in the chain of custody section of the evidence/property report. This report is then returned to the property room.

- The receiving deputy will take the item(s) to court. If the court retains the property, the bailiff or Clerk of Court will provide and sign a "Receipt for Property" which the officer will then return to the Crime Scene Technician/Evidence/Property Custodian.
- When items are returned to the property room by deputies after court, the deputy returning the item will sign the chain of custody section of the evidence/property report indicating the property was returned.
- When items are returned directly by the court, the Crime Scene Technician/Evidence/Property Custodian will note that the item(s) were received directly from court and have the court employee sign the chain of custody section of the report.

**Requesting Written Results of Laboratory Analysis:** The South Carolina Law Enforcement (SLED) Forensics Lab provides a written report of laboratory findings as standard procedure on all requests for laboratory examination. Written reports of laboratory findings received from the SLED Lab are filed with the case file in the office of the Court Liaison and/or with the investigating deputy's case file. A copy of the report will be provided to any requesting deputy and/or the Solicitor's office upon request.

**Training in Crime Scene Processing:** Patrol Division deputies are usually the first deputy(s) to arrive at a crime scene. They have a key function to perform in securing the scene and safeguarding evidence from damage or destruction. As a part of the department's Field Training and Evaluation Program and the South Carolina Criminal Justice Academy's basic training curriculum for police recruits, familiarization in the following subjects will be provided:

- ✓ Potentialities and limitations of the examination of physical evidence;
- ✓ The department's written directives concerning the role of the crime scene technician, investigator, patrol deputy, and/or other evidence technician at a crime scene;
- ✓ Collection methods and procedures for fingerprints, footprints, blood, fibers and fabrics, weapons, hairs, paint, glass and tool marks, and the requirements for collection of materials from a known source for comparison purposes;
- ✓ Preservation methods for evidence;
- ✓ Maintenance of the chain of evidence (marking, sealing, tagging, receiving);
- ✓ Crime and accident scene sketches;
- ✓ Crime scene photography;
- ✓ Crime scene records.

**Specialized Training for Evidence Processing:** The South Carolina Criminal Justice Training Academy conducts specialized training for personnel normally assigned as crime scene technicians or detectives (such as Detective Level I & II, ID Technician, etc.). The course of instruction is recognized and approved by this department and the South Carolina Law Enforcement Division (SLED) for providing sufficient training to process crime scenes for evidence and to preserve collected evidence for analysis and trial in the courts. The training program established by the Academy for crime scene processing includes:

- ✓ Recovery of latent fingerprints and palm prints;
- ✓ Recovery of foot, tool, and tire impressions;
- ✓ Photographing crime and accident scenes;
- ✓ Preparing crime scene sketches;
- ✓ Collecting, preserving and recording physical evidence.

By order of:



Dennis D. Kelly  
Sheriff